

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHELBY GARIGEN,

Defendant,

NOTICE OF MOTION

Case No. 19-CR-206-A

MOTION BY:

James C. DeMarco III, Esq.
Attorney for Defendant

DATE, TIME, PLACE:

Before the Hon. Richard J. Arcara
United States District Judge
United States Courthouse
2 Niagara Square
Buffalo, New York 14202
On a date and time convenient for the Court

SUPPORTING PAPERS:

Affirmation of James C. DeMarco III, Esq.
dated August 18, 2020

RELIEF REQUESTED

Adjourn Sentencing

DATED

Buffalo, New York, August 18, 2020

Respectfully submitted,

BENGART & DeMARCO, LLP
JAMES C. DeMARCO III, ESQ.
Attorney for Defendant
Office and Post Office Address
2655 Sheridan Drive
Tonawanda, NY 14150
(716) 838-1515
jdemarco@bengartdemarcolaw.com

TO: CHARLES KRULY, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Avenue
Buffalo, New York 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

AFFIDAVIT

v.

Case No. 19-CR-206-A

SHELBY GARIGEN,

Defendant,

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

JAMES C. DEMARCO III, ESQ., being duly sworn, deposes and says:

1. I am an attorney at law duly licensed to practice in the State of New York and in this Court and I am a Partner in the law firm of Bengart & DeMarco LLP, located at 2655 Sheridan Drive, Tonawanda, New York 14150.

2. I represent the Defendant, SHELBY GARIGEN, who is charged with access with intent to view child pornography in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

3. I am fully familiar with the facts and circumstances surrounding this case through my investigation of this matter as well as my review of all the pleadings previously filed, in addition to my conversations with the Defendant and members of law enforcement.

4. This affidavit is made in support of Defendant's motion to adjourn sentencing.

5. On or about June 20, 2019 Ms. Garigen was arraigned and was released on conditions set by the Court, and the current conditions of her pre-trial release were established regarding her ability to travel.

6. Upon information and belief, the Defendant has been fully compliant with the terms and conditions of her release.

7. Defendant is a U.S. citizen and resides at 5968 Corrinne Lane, Clarence Center, New York 14032.

8. Defendant through her attorney James C, DeMarco is in discussions with the Assistant US Attorney Charles Kruly regarding unanticipated recent issues regarding the Defendant's case.,

9. Defendant seeks to adjourn the sentencing currently scheduled for August 20, 2020 at 12:30 to allow further discussions.

10. That the Assistant U.S. Attorney Charles Kruly, has informed me that he has no objection to the Defendant's request.

WHEREFORE it is respectfully requested that the sentencing SHELBY GARIGEN be adjourned

DATED: Buffalo, New York
August 18, 2020

Respectfully submitted,

/s/ James C. DeMarco III, Esq.
JAMES C. DEMARCO III, ESQ.
BENGART & DEMARCO LLP
Attorney for Defendant,
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